

# EXHIBIT B

STATE OF NEW YORK : COUNTY COURT  
COUNTY OF ERIE : CRIMINAL TERM : PART 7

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THE PEOPLE OF THE STATE OF NEW YORK

- vs -

INDICTMENT # 02284-2019

SENTENCING

KATRINA NIGRO aka KATRINA GERACE,

Defendant.

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25 Delaware Avenue  
Buffalo, New York  
August 19, 2021

B e f o r e:

HONORABLE KENNETH F. CASE  
County Court Judge

A p p e a r a n c e s:

JOHN J. FLYNN, ESQ.  
Erie County District Attorney  
BY: CHRISTOPHER M. MCCARTHY, ESQ.  
Assistant District Attorney  
Appearing for the People.

BRENT SALEVSKY, ESQ.,  
Appearing for the Defendant.

P r e s e n t:

KATRINA NIGRO,  
Defendant.

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1 MR. McCARTHY: Your Honor, the next matter  
2 before you is People of the State of New York versus  
3 Katrina Gerace, also known as Katrina Nigro, file number  
4 02284-2019.

5 Your Honor, Miss Gerace, AKA Nigro, appears  
6 before you along with her attorney, Mr. Brent Salevsky.  
7 And we're here for the purposes of sentencing.

8 Your Honor, you will recall that Miss Gerace  
9 pled before you to one count of vehicular assault in the  
10 second degree, under Penal Law 120.03 sub one, a class E  
11 felony. As a result of that plea, a pre-sentence  
12 investigation report has been created by the probation  
13 department. I'm in receipt of that, and it is factually  
14 accurate. Judge, we would also note the presence of the  
15 victims in this matter, Michael and Lissa Jasinowski, and  
16 their civil counsel, Mr. John Fromen, present in the  
17 courtroom.

18 Judge, they don't wish to speak, but they have  
19 wrote an extensive letter to the Court, which we have  
20 submitted, and the Court has acknowledged receipt of as  
21 well, along with the defense counsel.

22 Your Honor, that being said, the pre-sentence  
23 report asks for a period of incarceration. The People  
24 agree with that. We know the victims are seeking a period  
25 of incarceration. And we would respectfully make that

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1 request before sentencing. Thank you.

2 MS. SALEVSKY: Brent Salevsky on behalf of Miss  
3 Nigro, Judge. Firstly, I have had an opportunity to  
4 review the pre-sentence investigation. I don't find any  
5 material errors or omissions, and we're prepared to move  
6 forward today.

7 THE COURT: Thank you.

8 MR. SALEVSKY: Thank you, Judge. And I just ask  
9 to be heard at the appropriate time.

10 THE COURT: You certainly may be heard on behalf  
11 of your client with regard to sentence.

12 MR. SALEVSKY: Thank you, Judge. Before you  
13 today, Miss Nigro, she's thirty-nine years old. She  
14 stands convicted of a felony DWI that occurred in October  
15 of 2019. I think most importantly, Judge, Ms. Nigro  
16 hasn't been sitting on her hands since October of 2019.  
17 She, in fact, I would say, has done more to demonstrate  
18 her sobriety to this Court than any defendant I've  
19 represented before. She proactively sought out engagement  
20 with Buffalo's DWI Court. And as Your Honor is surely  
21 aware, that includes the installation of a SCRAM monitor,  
22 a monitor to monitor alcohol in her system. In the normal  
23 course she would wear that for a period of six months.  
24 She's now been wearing that device for more than a year.  
25 That's come at a cost to her of several thousand dollars

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1 as well, Judge. She completed substance abuse counseling  
2 at ECMC. That was, of course, that took approximately two  
3 years for her to complete. Recognizing the underlying  
4 issues with her dependency, she also engaged in trauma  
5 therapy at ECMC. She's continuing in that program to  
6 date. As a part of DWI Court, Judge, she was required to  
7 do regular check-ins there, toxicology tests, in addition  
8 to that SCRAM monitor that I previously discussed.

9 Personally, she's taken this matter very  
10 seriously. She's participated closely with me and the  
11 defense on the case. She has repeatedly expressed remorse  
12 towards the victims in this case. She understands the  
13 serious nature of the case. In addition to the, I'll say  
14 extensive treatment that she's completed while this case  
15 has been pending, she's also been working to better  
16 herself personally. She's completed numerous educational  
17 courses through Cornell. She's completed an opiate  
18 overdose course. She's living with her parents now, whom  
19 support her and are helping her with her sobriety.

20 Judge, it's my position that the interest of  
21 justice here would be served by a sentence to a term of  
22 probation. I would ask that conditions include that she  
23 continue in mental health counseling and any recommended  
24 substance abuse treatment. I think that a sentence to  
25 probation would act as a deterrent for her and would

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1 ultimately meet the end goals to the criminal justice  
2 system, which would be rehabilitation.

3 THE COURT: Thank you. Ms. Nigro, you have a  
4 right to speak on your own behalf before the Court imposes  
5 sentence. Is there anything you'd like to say?

6 THE DEFENDANT: Sure. I am a completely  
7 different person after eighteen years in the adult  
8 industry, married to an organized leader of crime. I've  
9 seen pretty much everything horrible you can fathom, from  
10 different judges, politicians, and everything going on.  
11 It's an extreme trauma. It started in 2013 with a  
12 traumatic brain injury, being held hostage upstairs at  
13 Pharaoh's. I have not been able to get help, including an  
14 incident that he had with a girl who like manipulated me  
15 and now has some random, trying to set charges that are  
16 all lies. It has been ongoing of my mugshots posted on  
17 his Facebook, all this stuff, when he's not legally  
18 supposed to do it. And the FBI talked to me yesterday,  
19 and they'll probably meet me in jail or wherever I am to  
20 discuss this further with Tripi. It really does, the  
21 federal case completely affects this. And between Judge  
22 Michalski in charge of it and in between my suicide, I  
23 wasn't trying to drunk drive, I tried to kill myself. It  
24 was a horrible accident. I never meant to kill myself and  
25 hit another car. I was driving to Zoar Valley. I had no

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1 value, I had nothing, and I just couldn't do it anymore.  
2 But I went already on my own into extensive trauma  
3 therapy. I work with Brandy Gross, who's a federal  
4 witness victims coordinator. And she found the right  
5 counselors because I couldn't get them, because I can't  
6 talk about the case, which is the trauma of it. It's been  
7 absolutely hell. And I did try to kill myself three  
8 times. And this is the first time I'm stable. You know,  
9 and like I really made a difference, I've been studying.  
10 I got accepted into Yale. I would like to start it  
11 September 15th, but I can push it off, obviously, until  
12 the next semester. My family and everyone appreciates  
13 everything I've done. And over the course since COVID,  
14 I've done a lot for neighbors and everything, volunteer  
15 work, and got my life stabilized, financially and  
16 everything.

17 THE COURT: Thank you. First, to Lissa and  
18 Michael Jasinowski, thank you for being here. I can't  
19 begin to imagine how difficult it is for you to be sitting  
20 here. But more importantly, how difficult it was to live  
21 through this, and you continue to live through it. You  
22 very easily could have been killed in this accident, and  
23 on your anniversary left your two young children without  
24 parents. And I guess, Miss Nigro, when I look at your  
25 record, I certainly am cognizant of, at least to some

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1 degree, as well as I could be --

2 THE DEFENDANT: Of course.

3 THE COURT: -- based on what's in the  
4 pre-sentence report, of your circumstances. And from  
5 reading the pre-sentence report, I have some idea of what  
6 you have been through. But, in this case, I think your  
7 blood came back at a point two zero. You were operating a  
8 car. And these fine people over here didn't deserve what  
9 they got.

10 THE DEFENDANT: I agree.

11 THE COURT: They're dealing with a lifetime  
12 of --

13 THE DEFENDANT: I absolutely agree.

14 THE COURT: And with your record, coupled with  
15 what they have to deal with. And I do agree that you  
16 voluntarily placed yourself in the DWI C.O.U.R.T.S.  
17 Program and have been wearing the ankle monitor. And of  
18 course, I'm taking all of that into consideration. And I  
19 hope that what you have said here today is accurate. But  
20 I think from everything I've heard now and read, the best  
21 thing, at this point, is for me to impose the maximum  
22 sentence I can while still placing you on probation so  
23 that there are some concrete sanctions here, followed by  
24 continued supervision. Because I think that's not only in  
25 your best interest, I think it's in the best interest of



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1 the community to make sure that you continue to remain  
2 sober.

3 And so for your conviction then for vehicular  
4 assault in the second degree, a class E felony, it's  
5 hereby the judgment of the Court that you are sentenced to  
6 a split sentence, which is a definite sentence of six  
7 months in the County Correctional Facility, followed by  
8 five years of probation. The conditions of your probation  
9 are on a two-page document that our court officer is about  
10 to hand you. You can review those with your attorney and  
11 sign the bottom of the second page to indicate that you  
12 have reviewed and understand each of those conditions of  
13 probation. Of course, you must install an ignition  
14 interlock device on any vehicle owned or operated by you  
15 for the duration of your probation. Although, I don't  
16 think, looking at your record, you will ever have a New  
17 York State driver's license again.

18 THE DEFENDANT: No, I have no desire for one.  
19 After my accident, I was seriously injured. I have mesh  
20 in my stomach and metal arms, and I barely started moving  
21 out of my wheelchair only six months ago. In all reality,  
22 I almost feel that the six months isn't the most  
23 beneficial because, as a leader in organized crime, those  
24 people are comfortable for me. And I worked so hard to  
25 get out of the strip clubs and out of the industry and

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1 pawn shops, and I'm just putting myself with them. And I  
2 only started viewing their thoughts as wrong. I almost  
3 would rather have the ankle monitor on for a whole other  
4 year and stick with a harder treatment program, instead of  
5 having my parents and everyone take care of me like I'm a  
6 burden, instead of having taxpayers pay for this. I can  
7 afford the monitor. I can afford transportation. I have  
8 two other court cases going on in the federal court case,  
9 which I do have to work and talk to the FBI and Tripi on a  
10 pretty weekly basis. There's a lot going on with that  
11 court case. But as me, it shows I'm an adult by taking on  
12 responsibilities on my own instead of the Court, instead  
13 of COs doing everything for you, instead of sitting around  
14 reading magazines.

15 MR. SALEVSKY: I think what she's getting at,  
16 Judge, is she believes that a term with, a continuing term  
17 with the ankle bracelet would be more beneficial to her  
18 than a term of incarceration. Would you reconsider,  
19 Judge?

20 THE COURT: I won't. But I appreciate your  
21 argument.

22 MR. SALEVSKY: Thank you, Your Honor.

23 THE COURT: Your license is also revoked for one  
24 year. There's a mandatory surcharge of three hundred  
25 dollars, a crime victim assistance fee of twenty-five

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1 dollars, and a DNA databank fee of fifty dollars, which  
2 can be paid through prison funds or within sixty days of  
3 your release.

4 MR. SALEVSKY: Thank you, Your Honor.

5 THE COURT: That's the sentence of the Court.  
6 You have thirty days within which to appeal.

7 MR. SALEVSKY: Thank you, Your Honor.

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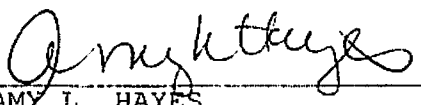
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C E R T I F I C A T I O N

Date: 8/24/21

I certify that the foregoing 10 pages are a correct  
transcription of the proceedings recorded by me in this matter.

  
AMY L. HAYES,  
Senior Court Reporter.

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